

REMARKS

This paper is responsive to the Final Office Action dated August 3, 2006. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

At paragraphs 1 and 2 of the Office Action, the Examiner has again rejected claims 1-6, 9, 11, 12, 15-20, 23, 25, 26, 29-34, 37, 39, 40 and 43-46 for obviousness under 35 U.S.C. 103, again citing United States Patent 5,687,167A of Bertin et al. ("Bertin et al.") in combination with United States Patent 6,771,661B1 of Chawla et al. ("Chawla et al."). Applicants respectfully traverse these rejections.

As noted in the previous response, Bertin et al. generally discloses bandwidth reservations in the context of connection requests, while Chawla et al. teaches modifying session bandwidth at a given time. Applicants maintain that combination of Bertin et al. and Chawla et al., includes no disclosure or suggestion of any system or method for allocating resources on a network, including:

installing, at the future reservation time, at least one internet protocol traffic filter in the policy enforcement point, wherein the installing activates the requested reservation of network resources for the destination address on the network, *wherein the internet protocol traffic filter includes a matching criteria and an action, wherein the matching criteria includes at least one internet protocol network address, and wherein the matching criteria allows the policy enforcement point to identify at least one packet and to perform the action on the packet.* (emphasis added)

as in the present independent claims 1, 15, 29 and 43. In the Response to Arguments section of the Office Action, the Examiner asserts as follows:

. . . Bertin reads on the Applicants claimed "filters" by disclosing "connection reservations" that are applied (installed) to each node (policy enforcement point) along the path of the network (Internet), in response to "connection requests". While Bertin does not explicitly disclose this process as "installing filters" on the network devices, the actions that constitute filter installation as defined by Applicant's disclosure are met. The meaning of words used in a claim is not construed in a lexicographic vacuum but in the context of the specification and drawings. . .

Applicants respectfully submit that the Examiner is taking Applicants' Specification as a guide for interpreting the teachings of the prior art such that the actual teaching of Bertin et al. is modified to read on the present independent claims. In the Examiner's analysis, it is not the meaning of the present claims that is being interpreted in view of Applicants' Specification, but rather the teachings of the prior art. installing, at the future reservation time, at least one internet protocol traffic filter in the policy enforcement point

Specifically, the only teaching relating to the above highlighted limitations of the independent claims cited by the Examiner are apparently within the Applicants' Specification. The "connection reservations" of Bertin et al. include no specific teaching of how the bandwidth reservation is made in connection requests. Applicants note that the specific, explicitly set forth structure of the claimed filters - *"wherein the internet protocol traffic filter includes a matching criteria and an action, wherein the matching criteria includes at least one internet protocol network address"* - is not present in Bertin et al. or Chawla et al., and is completely ignored in the Response to Arguments. Similarly, the operation based on the claimed filters - *"wherein the matching criteria allows the policy enforcement point to identify at least one packet and to perform the action on the packet"* - is also not addressed. Accordingly, the limitations of the present independent claims, which include installing, at the future reservation time, at least one such internet protocol traffic filter in the policy enforcement point, are not taught or suggested by

the combination of Bertin et al. and Chawla et al., and the Examiner cannot remedy this shortcoming of the prior art by identifying portions of the Applicants' Specification that describe the possibility of bandwidth reservation, or of checking for the availability of bandwidth to be reserved. Moreover, Applicants respectfully urge that the rejections must be based on the content of the prior art, and not Applicants' own teaching in the Specification of the application.

While the Applicants' Specification does indicate that bandwidth reservation is a problem that may be solved through an embodiment of the present invention, the present claims indicate a specific manner in which that problem is solved. The Examiner is citing the fact the Bertin et al. teaches bandwidth reservation to reject the specific manner in which the present independent claims operate to install specific types of filters. The Examiner is accordingly excluding the presently claimed invention from protection because it solves a problem that is also solved in Bertin et al. Applicants' respectfully urge that such a rejection is improper, since it fails to give consideration to all the limitations of the present independent claims. Applicants respectfully urge that a teaching of reserving bandwidth in some unspecified way, as in Bertin et al., does not disclose or suggest the installation of an internet protocol traffic filter, as in the present independent claims.

The deficiencies of the Bertin et al. and Chawla et al. combination are even more stark when viewed in light of the features set forth in dependent claims 44-46. Each of these dependent claims sets forth a specific action enabled by the installation of the filter at the future reservation time. Claim 44 indicates that the action enabled by the filter installation at the future time includes marking a packet header of a received packet to assign a predetermined priority to the packet, claim 45 indicates that the action includes shaping the packet, and claim 46 indicates that the action includes dropping the received packet. Since the teachings of Bertin et al. and

Chawla et al. do not include or suggest the installation of the claimed filters at a future reservation time at all, they are even further removed from any teaching regarding enabling the performance of the specific actions recited in claims 44-46 through such future time filter installation.

For the above reasons, Applicants respectfully urge that the combination of Bertin et al. and Chawla et al. does not disclose or suggest all the features of the present independent claims 1, 15, 29, and 43, from which claims 2-6, 9, 11, 12, 16-20, 23, 25, 26, 30-34, 37, 39, 40 and 44-46 depend. Accordingly, the combination of Bertin et al. and Chawla et al. does not form a *prima facie* case of obviousness under 35 U.S.C. 103 with respect to the present independent claims 1, 15, 29 and 43, and dependent claims 2-6, 9, 11, 12, 16-20, 23, 25, 26, 30-34, 37, 39, 40 and 44-46 are believed to be patentable over the combination of Bertin et al. and Chawla et al. for at least the same reasons.

At paragraph 3, the Examiner rejected claims 10, 14, 24, 28, 38 and 42 under 35 U.S.C. 103, again citing Bertin et al. and Chawla et al., and additionally citing United States Patent 6,459,682B1 of Ellesson et al. ("Ellesson et al."). Applicants respectfully traverse these rejections.

Ellesson et al. teaches a system for controlling packet traffic in a network of originating, receiving and intermediate nodes. Bertin et al. and Chawla et al. are discussed above with regard to the rejections in paragraphs 1 and 2 of the Office Action. Applicants respectfully urge that combination of Bertin et al., Chawla et al. and Ellesson et al. does not disclose or suggest any system or method for allocating resources on a network, including:

installing, at the future reservation time, at least one internet protocol traffic filter in the policy enforcement point, wherein the installing activates the requested reservation of network resources for the destination address on the network, *wherein the internet protocol traffic filter includes a matching criteria and an action, wherein the matching criteria includes at least one internet protocol network address, and wherein the matching criteria allows the policy enforcement point to identify at least one packet and to perform the action on the packet.* (emphasis added)

as in the present independent claims 1, 15, and 29. The combination of Bertin et al., Chawla et al., and Ellesson et al., therefore does not form a *prima facie* case of obviousness either under 35 U.S.C. 103 with regard to these independent claims, and dependent claims 10, 14, 24, 28, 38 and 42 are believed to be patentable for at least the same reasons.

At paragraph 4 of the Office Action, the Examiner rejected claim 47 for obviousness under 35 U.S.C. 103(a), citing Bertin et al. and Chawla et al., in combination with United States Patent number 6,785,728 of Schneider et al. Applicants respectfully traverse this rejection.

Schneider et al. disclose a scalable access filter that is used together with others like it in a virtual private network to control access by users at client computer systems in the network to information resources provided by servers in the network. Each access filter in the Schneider et al. system uses a local copy of an access control data base to determine whether an information access request made by a user is to be permitted or denied, based on the groups to which the users belong. In column 5, lines 14 through 59 Schneider et al. describe problems with previous access filter systems. In column 23, lines 34 to 53, Schneider et al. teach that user's can be identified by IP addresses for purposes of an access control list. And in column 29, lines 11 through 64, Schneider et al. disclose that ranges of IP addresses used to identify users to an access filter. The content of Bertin et al. and Chawla et al. are discussed above with regard to

the rejections in paragraphs 1 and 2 of the Office Action. Applicants respectfully urge that combination of Bertin et al., Chawla et al. and Schneider et al. does not disclose or suggest any system or method for allocating resources on a network, including:

installing, at the future reservation time, at least one internet protocol traffic filter in the policy enforcement point, wherein the installing activates the requested reservation of network resources for the destination address on the network, *wherein the internet protocol traffic filter includes a matching criteria and an action, wherein the matching criteria includes at least one internet protocol network address, and wherein the matching criteria allows the policy enforcement point to identify at least one packet and to perform the action on the packet.* (emphasis added)

as in the present independent claim 1. In contrast, the access filter of Schneider et al. are specifically used in response to receipt of an access request, at the time the request is received, to identify user groups used for determining whether a requesting user has access to a requested information resource. See column 29, lines 48 through 50. The combination of Bertin et al., Chawla et al. and Schneider et al. therefore does not form a *prima facie* case of obviousness either under 35 U.S.C. 103 with regard to independent claim 1, and dependent claims 47 is believed to be patentable for at least the same reasons.

Reconsideration of all pending claims is respectfully requested.

For the above reasons, Applicants respectfully urge that all rejections of the Examiner should be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617.630.1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

September 12, 2006
Date

/David Dagg/
David A. Dagg, Reg. No. 37,809
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(617) 630-1131

Docket No. 120-296